

REMARKS

Claims 1-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1 213 013 (BASF) in combination with Blue, et al. (US 5,935,826) and or Chiu (US 5,185,176). If the Examiner is unpersuaded by the arguments presented, Applicants respectfully request an English language translation of the full European application with the next office action. The Examiner states that the application discloses the use of casein or soya proteins to incorporate water insoluble active substances and that starches modified with OSA may be included in the mixture. The Examiner then uses substitution of the starch disclosed in the US references to result in the present invention. Applicants respectfully disagree.

BASF does not teach the encapsulation of active agents, a limitation of the present invention. Therefore, even if it was obvious to combine BASF and the US patents as suggested by the Examiner (and Applicants make no such admission), such combination would not result in the presently claimed invention of a "composition comprising an active agent encapsulated..." because such encapsulation is not taught.

Further, OSA starch is taught as one of many possible optional additives to the dispersed phase. In contrast, the present invention uses starch to encapsulate the active agent; that is, in the continuous phase.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



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